

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

MARIA SALDIVAR :
 :
VS. : CIVIL ACTION NO. _____
 :
TRAVELERS LLOYDS OF TEXAS :
INSURANCE COMPANY :

NOTICE OF REMOVAL

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Defendant, **TRAVELERS LLOYDS OF TEXAS INSURANCE COMPANY (“Travelers”)**, and files its Notice of Removal and would show the Court as follows:

I.

On March 23, 2016, Plaintiff filed suit against Travelers in the 444th Judicial District Court of Cameron County, Texas for alleged breach of contract, Texas Insurance Code and DTPA violations, breach of duty of good faith and fair dealing and fraud. Travelers was served with Plaintiff’s Original Petition on March 31, 2016. At the time suit was filed and at the time of removal:

A. DIVERSITY

- 1) Plaintiff is a citizen of the State of Texas;
- 2) Travelers is an unincorporated Lloyds plan insurance association that sells

insurance under a Lloyds Plan pursuant to Texas Insurance Code Chapter 941, whose underwriters are all citizens of the State of Connecticut. See affidavit of Jeffrey Slack attached as Ex. A. None of the underwriters are citizens of the State of Texas; “[The] citizenship of an unincorporated association. . . is determined. . . solely by the citizenship of its members.” *Ponton v. Allstate Texas Lloyd’s*, No. H-10-4842, 2011 WL 2837592 (S.D. Tex. July 18, 2011);

3) Diversity exists between Plaintiff and Travelers.

B. THE AMOUNT IN CONTROVERSY MEETS THE JURISDICTIONAL REQUISITE

Plaintiff in ¶ IX. of her Original Petition alleges damages in an amount over \$200,000 but not more than \$1,000,000. The matter or amount in controversy between TRAVELERS and Plaintiff exceeds the sum or value of \$75,000.00 exclusive of interest and costs.

II.

Federal removal jurisdiction is appropriate because this action is one over which this Court has diversity jurisdiction under 28 U.S.C. §1332, as amended; is one which may be removed to this Court under 28 U.S.C. §1441; and is properly and timely removable pursuant to 28 U.S.C. §1446(b).

III.

True copies of all documents required by Local Rule 81 are being filed with this Notice of Removal.

IV.

Timely notice of this removal is being provided to Plaintiff and to the State District Court where this suit originated.

WHEREFORE, PREMISES CONSIDERED, Travelers prays that the action pending against it in the 444th Judicial District Court of Cameron County, Texas, be removed therefrom to this Court and for any further relief to which **Travelers** is entitled.

Respectfully submitted,

By: 

BARRY RAY

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Attorneys for *Defendant* TRAVELERS
LLOYDS OF TEXAS INSURANCE COMPANY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing document was forwarded on this 26 day of April, 2016, to the following counsel of record:

Derek Hilley
Hilley & Solis
310 S. St. Mary's St., Ste 2900
San Antonio, Texas 78205
Counsel for Plaintiff

Via E-filing



BARRY RAY

Civil Action No.
Maria Saldivar v. Travelers Lloyds of Texas Insurance Company
IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

Exhibit A

to

DEFENDANT'S NOTICE OF REMOVAL

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

MARIA SALDIVAR

VS.

THE TRAVELERS LLOYDS OF
TEXAS INSURANCE COMPANY

:
:
:
:
:
:
:

CIVIL ACTION NO. _____

AFFIDAVIT OF JEFFREY SCOTT SLACK

STATE OF MINNESOTA

COUNTY OF RAMSEY

§
§
§

Before me, the undersigned authority, personally appeared Jeffrey Scott Slack who, being by me duly sworn, deposed as follows:

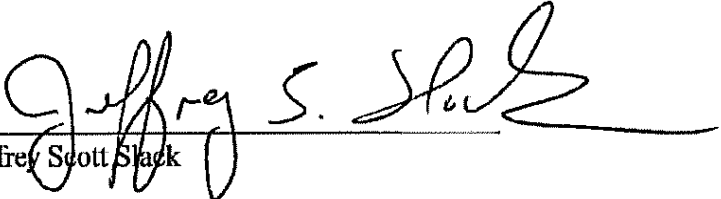
1. "My name is Jeffrey Scott Slack. I am of sound mind, over the age of twenty-one (21) years, legally capable of making this affidavit, and have personal knowledge of the facts herein stated, which are all true and correct.
2. The Travelers Lloyds of Texas Insurance Company ("Travelers Lloyds Texas") is an unincorporated insurance association comprised of individual underwriters, authorized to conduct business in Texas as a "Lloyds Plan" insurer under the Texas Insurance Code. As a "Lloyds Plan" insurer, Travelers Lloyds Texas has designated an attorney-in-fact in Texas as provided under Texas law. Travelers Lloyds Management Company is the attorney-in-fact in Texas for Travelers Lloyds Texas.
3. I am Vice-President and General Counsel for Travelers Lloyds Management Company the attorney-in-fact for Travelers Lloyds Texas, the Defendant in this action. As part of my employment, I have personal knowledge regarding the structure of Travelers Lloyds Texas and the identity and location of its underwriters.

4. The following individuals are currently the underwriters of Travelers Lloyds Texas, and they reside in and are citizens of the states appearing next to their names:


a. James W. Chapman	Connecticut
b. James B. Coyle III	Connecticut
c. Bruce G. Earwaker	Connecticut
d. Brian J. Hoffman	Connecticut
e. Bruce R. Jones	Connecticut
f. Donald C. Mahoney	Connecticut
g. Elaine Montgomery-Baisden	Connecticut
h. John R. Nealon	Connecticut
i. Richard D. Schug	Connecticut
j. Richard A. Waskiewicz	Connecticut
k. Mary O. Woods	Connecticut

5. None of the underwriters of Travelers Lloyds Texas resides in or is a citizen of Texas."

FURTHER AFFIANT SAYETH NOT.


Jeffrey Scott Slack

SWORN TO AND SUBSCRIBED before me on this the 26th day of April, 2016.


Notary Public In and For the State of Minnesota

My Commission expires: 1/31/2017

